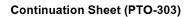
## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/511,080	RUTHER ET AL.	
Examiner	Art Unit	

	Elena Tsoy Lightfoot	1792	
The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence addi	ess
THE REPLY FILED 19 October 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.			
1. The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Apperfor Continued Examination (RCE) in compliance with 37 C periods:	the same day as filing a Notice of a replies: (1) an amendment, affidavinal (with appeal fee) in compliance	Appeal. To avoid aban t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request
a) The period for reply expires 3 months from the mailing date b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to Examiner Note: If box 1 is checked, check either box (a) or (MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f)	dvisory Action, or (2) the date set forth hter than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE	g date of the final rejectio	n.
Extensions of time may be obtained under 37 CFR 1.136(a). The date thave been filed is the date for purposes of determining the period of extender 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	, on which the petition under 37 CFR 1.1 ension and the corresponding amount of hortened statutory period for reply origi	of the fee. The appropria nally set in the final Office	te extension fee e action; or (2) as
<ol> <li>The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exter Notice of Appeal has been filed, any reply must be filed wind AMENDMENTS</li> </ol>	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of the	
3. ☐ The proposed amendment(s) filed after a final rejection, b  (a) ☐ They raise new issues that would require further cor  (b) ☐ They raise the issue of new matter (see NOTE below	nsideration and/or search (see NOT		cause
(c) They are not deemed to place the application in beti appeal; and/or	,.	ducing or simplifying th	ne issues for
(d) They present additional claims without canceling a control NOTE: (See 37 CFR 1.116 and 41.33(a)).	corresponding number of finally reje	ected claims.	
<ul><li>4.  The amendments are not in compliance with 37 CFR 1.12</li><li>5.  Applicant's reply has overcome the following rejection(s):</li></ul>	·		,
6. Newly proposed or amended claim(s) would be all non-allowable claim(s).	·	_	_
7.  For purposes of appeal, the proposed amendment(s): a) [ how the new or amended claims would be rejected is prov The status of the claim(s) is (or will be) as follows: Claim(s) allowed:		l be entered and an ex	planation of
Claim(s) allowed: Claim(s) objected to: Claim(s) rejected:			
Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE			
<ol> <li>The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e).</li> </ol>			
<ol> <li>The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessary</li> </ol>	vercome <u>all</u> rejections under appear and was not earlier presented. Se	al and/or appellant fails see 37 CFR 41.33(d)(1)	s to provide a
10. The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER		•	
<ol> <li>The request for reconsideration has been considered but <u>See attached.</u></li> </ol>		condition for allowand	ce because:
12.	PTO/SB/08) Paper No(s)		
	/Elena Tsoy Lightfoot / Primary Examiner, Art U	nit 1792	



Application No.